# BEFORE THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

#### DOCKET NO. 2005-1-E

IN RE: Carolina Power & Light Company	)
d/b/a Progress Energy Carolinas, Inc. ("PEC") –	)
Annual Review of Base Rates for	) JOINT MOTION
Fuel Costs	)
	)

The Office of Regulatory Staff ("ORS") and Carolina Power & Light Company d/b/a Progress Energy Carolinas, Inc. ("PEC") hereby file with the Public Service Commission of South Carolina ("Commission"), pursuant to S.C. Code Ann. Reg. 103-804(Y)(2) (Supp. 2004) and S.C. Code Ann. § 30-4-40(a) (Supp. 2005), this joint motion seeking an order (i) declaring the unredacted Fuel Study accompanying this motion as confidential, (ii) affording the unredacted Fuel Study confidential treatment, and (iii) protecting the unredacted Fuel Study from public disclosure. This joint motion is made on the following grounds:

1. The accompanying unredacted fuel study has been prepared by ORS and contains the results of the review and study of the fuel purchase methods of PEC with respect to Docket No. 2005-1-E. This study was conducted by ORS as a result of the increased cost of fuel and not because of any findings based on the ORS staff's audits of PEC's present purchasing practices. As part of its study, ORS requested information deemed confidential by PEC as it pertains to certain information regarding PEC's operations. Specifically, PEC designated information confidential based upon its belief that the information covers non-public proprietary, commercially valuable and/or competitively

sensitive information, and/or trade secrets of PEC. PEC believes it is not appropriate to make detailed confidential information regarding its operations publicly available and further asserts that access to this confidential information could give actual and potential competitors an unfair competitive advantage. PEC's concern is recognized in the South Carolina Freedom of Information Act which allows exemption from disclosure proprietary business information which constitutes a trade secret. *See* S.C. Code Ann. § 30-4-40(a)(1) (Supp. 2005).

- 2. ORS does not oppose the confidential designation by PEC. A confidentiality agreement was duly executed between PEC and ORS in Docket No. 2005-1-E, whereupon ORS received the confidential information from PEC to complete its Fuel Study attached hereto.
- 3. In accordance with Commission Order No. 2005-226,<sup>1</sup> the accompanying materials are presented for filing in a separate, sealed envelope with the word "confidential" marked clearly on the envelope. Moreover, each page of the unredacted Fuel Study has been marked "Confidential." Further, a redacted version of the Fuel Study is being filed contemporaneously herewith.

WHEREFORE, having fully complied with the requirements set forth in Commission Order No. 2005-226, the South Carolina Office of Regulatory Staff and PEC respectfully request that the Commission issue an order (i) declaring the accompanying unredacted Fuel Study as confidential; (ii) affording the unredacted Fuel Study

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<sup>&</sup>lt;sup>1</sup> Commission Order No. 2005-226 sets forth the requirements for filing confidential information with the Commission.

confidential treatment, (iii) protecting the unredacted Fuel Study from public disclosure; and (iv) for such other relief as the Commission may find to be just and proper.

## [SIGNATURE PAGES FOLLOW]

### SOUTH CAROLINA OFFICE OF REGULATORY STAFF

By:_/s/
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Date: May 19, 2006

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# CAROLINA POWER & LIGHT COMPANY d/b/a PROGRESS ENERGY CAROLINAS, INC.

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